

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 9/13/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Eminent domain proceedings for Four Mile Post Rd and Whitesburg Project.

Exact Wording for the Agenda:

Resolution authorizing eminent domain proceedings for temporary construction easements on, over and upon certain parcels of land for the Four Mile Post / Whitesburg Drive Project.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 9-8-12

RESOLUTION NO. 12-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn fee simple title and temporary construction easements on, over and upon the following described parcels of land, viz:

See Exhibits "A-1" through "C-2," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing property(ies) is necessary for the Four Mile Post / Whitesburg Drive Project, Project No. 65-12-TI01, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause the above described property(ies) to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the above described property(ies) for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. That in case of failure to acquire said property(ies) for the purposes aforesaid by purchase from the respective owner or owners thereof, the said Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of said property(ies) by the exercise of the right of eminent domain.

6. Any prior acts taken by the administration toward the acquisition of the said property(ies) pursuant to the eminent domain code are hereby ratified.

ADOPTED this the 13th day of September, 2012.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 13th day of September, 2012.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

ACQUIRED RIGHT OF WAY:

A portion of all that tract of the West half of Section 19, Township 4 South, Range 1 East of the Huntsville Meridian Madison County, Alabama. More particularly described as beginning as a concrete monument known as the center of said Section 19 Township 4 South, Range 1 East. Said monument is also known as the Southwest corner of Jones Valley Estates 17th Addition recorded in Plat book 23, Page 98 in the office of the Probate Judge, Madison County, Alabama; thence from the Point of Beginning North 81 degrees 42 minutes 30 seconds West 120.13 feet to a point; thence South 57 degrees 07 minutes 07 Seconds West 233.00 feet to a point; thence along the north margin of Four Mile Post Road North 39 degrees 33 minutes 39 seconds West 55.93 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 39 seconds West 70.97 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 45 seconds West 92.14 feet to the True Point of Beginning; thence continuing along the north margin of Four Mile Post Road North 88 degrees 04 minutes 54 seconds West 124.76 feet to a point; thence leaving the north margin of Four Mile Post Road North 04 degrees 29 minutes 49 seconds West 16.60 to a point; thence South 80 degrees 39 minutes 32 seconds East 127.68 feet to the Point of Beginning and containing 1,028.94 square feet more or less.

5' TEMPORARY CONSTRUCTION EASEMENT:

A portion of all that tract of the West half of Section 19, Township 4 South, Range 1 East of the Huntsville Meridian Madison County, Alabama. More particularly described as beginning as a concrete monument known as the center of said Section 19 Township 4 South, Range 1 East. Said monument is also known as the Southwest corner of Jones Valley Estates 17th Addition recorded in Plat book 23, Page 98 in the office of the Probate Judge, Madison County, Alabama; thence from the Point of Beginning North 81 degrees 42 minutes 30 seconds West 120.13 feet to a point; thence South 57 degrees 07 minutes 07 Seconda West 233.00 feet to a point; thence along the north margin of Four Mile Post Road North 39 degrees 33 minutes 39 seconds West 55.93 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 39 seconds West 70.97 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 45 seconds West 92.14 feet to a point; thence continuing along the north margin of Four Mile Post Road North 88 degrees 04 minutes 54 seconds West 124.76 to a point; thence leaving the north margin of Four Mile Post Road North 04 degrees 29 minutes 49 seconds West 16.60 feet to the True Point of Beginning; thence North 04 degreea 29 minutes 49 seconds West 5.15 feet to a point; thence South 80 degrees 39 minutes. 32 seconds East 129.28 feet to a point; thence South 72 degrees 10 minutes 48 seconds East 17.92 feet to a point; thence North 88 degrees 04 minutes 54 seconds West 18.25 feet to the Point of Beginning and containing 687.22 square feet more or less.

Exhibit "A-2"



S 87°10'18" W
219.01 FT
N 87°00'00" W 222.25" (DEED)

WILLIAM & MISSY HANKS
8515 WHITEBURG DRIVE
HUNTSVILLE, AL 35802
08 781 PG 239

N 04°00'00" W 173.30' (DEED)
N 04°00'00" W 163.67 FT

S 04°00'00" W 186.00' (DEED)
N 02°00'00" W 7.33 FT
S 02°00'00" E 84.06 FT

S 04°00'00" E 110.88 FT

TEMPORARY CONSTRUCTION EASEMENT
ACQUIRED ROW LINE

S 88°04'34" E
194.25 FT
N 88°30'00" W 222.25" (DEED)



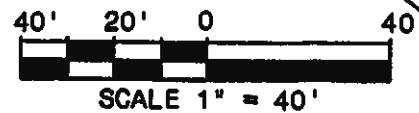
ACQUIRED RIGHT OF WAY

FOUR MILE POST ROAD

WHITEBURG DRIVE

0000+0 = 0+00
0+00+0 = 0+00

ITEM	SQ. FT.
EXISTING LOT SIZE	44,704.86
ACQUIRED ROW	1,028.84
REMAINDER	43,875.92
TEMPORARY CONSTRUCTION EASEMENT	887.22



PRELIMINARY



BES0111

BUSBIN ENGINEERING & SURVEYING

924 Meridian Street
Huntsville, Alabama 35801
(258) 533-1099

City of Huntsville
Project 65-11-T102
Right of Way Acquisition
Huntsville, Alabama

William & Missy Hanks
Parcel 18-04-19-4-000-062.000
PPIN: 69851
Huntsville, Alabama

Drawn: JLD
Checked: CPB
Approved: CPB

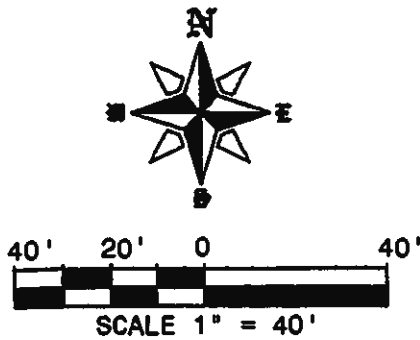
SCALE:
1" = 40'
DATE:
January 12, 2012

ACQUIRED RIGHT OF WAY:

A portion of all that tract of the West half of Section 19, Township 4 South, Range 1 East of the Huntsville Meridian Madison County, Alabama. More particularly described as beginning as a concrete monument known as the center of said Section 19 Township 4 South, Range 1 East. Said monument is also known as the Southwest corner of Jones Valley Estates 17th Addition recorded in Plat book 23, Page 98 in the office of the Probate Judge, Madison County, Alabama; thence from the Point of Beginning North 81 degrees 42 minutes 30 seconds West 120.13 feet to a point; thence South 57 degrees 07 minutes 07 Seconds West 233.00 feet to a point; thence along the north margin of Four Mile Post Road North 39 degrees 33 minutes 39 seconds West 55.93 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 39 seconds West 70.97 feet to the True Point of Beginning; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 45 seconds West 92.14 feet to a point; thence South 72 degrees 10 minutes 48 seconds East 59.30 feet to a point; thence South 55 degrees 13 minutes 15 seconds East 38.46 feet to a point; thence South 44 degrees 31 minutes 07 seconds West 18.11 feet to the Point of Beginning and containing 1,155.82 square feet more or less.

5' TEMPORARY CONSTRUCTION EASEMENT:

A portion of all that tract of the West half of Section 19, Township 4 South, Range 1 East of the Huntsville Meridian Madison County, Alabama. More particularly described as beginning as a concrete monument known as the center of said Section 19 Township 4 South, Range 1 East. Said monument is also known as the Southwest corner of Jones Valley Estates 17th Addition recorded in Plat book 23, Page 98 in the office of the Probate Judge, Madison County, Alabama; thence from the Point of Beginning North 81 degrees 42 minutes 30 seconds West 120.13 feet to a point; thence South 57 degrees 07 minutes 07 Seconds West 233.00 feet to a point; thence along the north margin of Four Mile Post Road North 39 degrees 33 minutes 39 seconds West 55.93 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 39 seconds West 70.97 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 45 seconds West 92.14 feet to the True Point of Beginning; thence South 88 degrees 04 minutes 54 seconds East 18.25 feet to a point; thence South 72 degrees 10 minutes 8 seconds East 42.50 feet to a point; thence South 55 degrees 13 minutes 15 seconds East 40.09 feet to a point; thence South 44 degrees 31 minutes 07 seconds West 5.07 feet to a point; thence North 55 degrees 13 minutes 15 seconds West 38.48 feet to a point; thence North 72 degrees 10 minutes 48 seconds West 59.30 feet to the Point of Beginning and containing 405.91 square feet more or less.



KENNETH & KRISTY DUNN
101 FOUR MILE POST RD
HUNTSVILLE, AL 35802
DB 812 PG 104-105

S 89°07'18" W
99.34' (DEED)
S 88°04'54" E
68.46 FT

N 45°43'05" E
37.71 FT

N 04°38'40" W 210.97' (DEED)
N 07°16'08" W
183.47 FT

S 57°34'16" W
109.36 FT
S 63°51'28" W 108.45' (DEED)

S 00°21'24" W
16.10' (DEED)



ACQUIRED RIGHT OF WAY

N 64°27'18" W 92.34' (DEED)
N 89°15'15" W
92.74 FT

S 42°10'07" W
81.74 FT
S 44°46'04" W
61.07' (DEED)

ITEM	90. FT.
EXISTING LOT SIZE	71,738.55
ACQUIRED ROW	1,155.32
REMAINDER	70,583.23
TEMPORARY CONSTRUCTION EASEMENT	405.91

PRELIMINARY



BESR011

BUSBIN ENGINEERING & SURVEYING

924 Meridian Street
Huntsville, Alabama 35801
(258) 533-1099

City of Huntsville
Project 65-11-T102
Right of Way Acquisition
Huntsville, Alabama

Kenneth & Kristy Dunn
Parcel 18-04-19-4-000-064.000
PPIN: 77872
Huntsville, Alabama

Drawn: JLD
Checked: CPB
Approved: CPB

SCALE:
1" = 40'
DATE:
January 12, 2012

ACQUIRED RIGHT OF WAY:

A portion of all that tract of the West half of Section 19, Township 4 South, Range 1 East of the Huntsville Meridian Madison County, Alabama. More particularly described as beginning as a concrete monument known as the center of said Section 19 Township 4 South, Range 1 East. Said monument is also known as the Southwest corner of Jones Valley Estates 17th Addition recorded in Plat book 23, Page 98 in the office of the Probate Judge, Madison County, Alabama; thence from the Point of Beginning North 81 degrees 42 minutes 30 seconds West 120.13 feet to a point; thence South 57 degrees 07 minutes 07 Seconds West 233.00 feet to a point; thence along the north margin of Four Mile Post Road North 39 degrees 33 minutes 39 seconds West 55.93 feet to the True Point of Beginning; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 39 seconds West 70.97 feet to a point; thence leaving the north margin of Four Mile Post Road North 44 degrees 31 minutes 07 seconds East 18.11 feet to a point; thence South 40 degrees 09 minutes 42 seconds East 70.32 feet to the Point of Beginning and containing 633.89 square feet more or less.

5' TEMPORARY CONSTRUCTION EASEMENT:

A portion of all that tract of the West half of Section 19, Township 4 South, Range 1 East of the Huntsville Meridian Madison County, Alabama. More particularly described as beginning as a concrete monument known as the center of said Section 19 Township 4 South, Range 1 East. Said monument is also known as the Southwest corner of Jones Valley Estates 17th Addition recorded in Plat book 23, Page 98 in the office of the Probate Judge, Madison County, Alabama; thence from the Point of Beginning North 81 degrees 42 minutes 30 seconds West 120.13 feet to a point; thence South 57 degrees 07 minutes 07 Seconds West 233.00 feet to a point; thence along the north margin of Four Mile Post Road North 39 degrees 33 minutes 39 seconds West 55.93 feet to a point; thence continuing along the north margin of Four Mile Post Road North 54 degrees 52 minutes 39 seconds West 70.97 feet to a point; thence leaving the north margin of Four Mile Post Road North 44 degrees 31 minutes 07 seconds East 18.11 feet to the True Point of Beginning; thence North 44 degrees 31 minutes 07 seconds East 5.02 feet to a point; thence South 40 degrees 09 minutes 42 seconds East 70.79 feet to a point; thence North 40 degrees 09 minutes 42 seconds West 70.32 feet to a point; the Point of Beginning and containing 352.77 square feet more or less.



40' 20' 0 40'
SCALE 1" = 40'

Exhibit "C-2"

N 59°03' W 185.51' (DEED)
S 59°57'07" W
185.51 FT

N 53°00' W 109.8' (DEED)
S 53°34'16" W
109.99 FT

N 0°25' W
15.8' (DEED)
S 01°40'07" W
15.20 FT

N 43°42' W 80.74' (DEED)
S 43°10'07" E
80.74 FT

MICHAEL & EDNA MURATET
103 FOUR MILE POST RD
HUNTSVILLE, AL. 35802
DB 840 PG 148

TEMPORARY CONSTRUCTION EASEMENT
ACQUIRED ROW
N 43°42' W 80.74' (DEED)
S 43°10'07" E
80.74 FT

S 57°07'07" W
233.40 FT
S 58°16' W 233' (DEED)

FOUR MILE POST ROAD

N 40°0' W 56' (DEED)
N 38°58' W
56.00 FT

FT Sta = 3+48.72



ACQUIRED RIGHT OF WAY

ITEM	80. FT.
EXISTING LOT SIZE	43,472.82
ACQUIRED ROW	833.89
REMAINDER	42,838.93
TEMPORARY CONSTRUCTION EASEMENT	352.77

PRELIMINARY



BES0011

BUSBIN ENGINEERING & SURVEYING

924 Meridian Street
Huntsville, Alabama 35801
(258) 533-1099

City of Huntsville
Project 65-11-T102
Right of Way Acquisition
Huntsville, Alabama

Michael & Edna Muratet
Parcel 18-04-19-4-000-065.000
PPIN: 59874
Huntsville, Alabama

Drawn: JLD
Checked: CPB
Approved: CPB

SCALE:
1" = 40'
DATE:
January 12, 2012